

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CARLOS GONZALEZ, JR.

Plaintiff,

v.

ABEL LOPEZ,

Defendant.

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Civil Action No. 3:07-CV-593-M (BH)

**ORDER ACCEPTING AS MODIFIED FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has under consideration the Findings, Conclusions, & Recommendation of the United States Magistrate Judge on *Defendant Abel Lopez's Motion for Summary Judgment*, filed July 3, 2007. Objections were filed, and the District Court has made a de novo review of those portions of the proposed Findings, Conclusions, & Recommendation to which objection was made. Except for this Court's decision to remand, rather than dismiss, the state claim, the objections are overruled, and the Court accepts the Findings, Conclusions, & Recommendation of the United States Magistrate Judge.

Defendant Abel Lopez's Motion for Summary Judgment is **GRANTED** for Plaintiff's claims arising under 42 U.S.C. § 1983. Plaintiff's claim of malicious prosecution arising under state law is **REMANDED** to the state court for consideration.

SIGNED this 6th day of February, 2008.



BARBARA M.G. LYON
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS